

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**THEODORE DAVIS,**  
**Plaintiff,**

**vs.**

**ARMSTRONG RELOCATION, Lln,**  
**EDNA DUMAS, CITY OF**  
**MONTGOMERY, et. al.,**

**Defendants**

) **Case No.: 2:05-cv-632-WKW**

)  
) **THE CITY OF MONTGOMERY'S AND**  
) **OFFICER SHELLEY WATTS'S MOTION**  
) **FOR SUMMARY JUDGMENT**

\_\_\_\_\_)  
COME NOW the City of Montgomery and officer Shelley Watts, by and through undersigned counsel, pursuant to Rule 56 of the Federal Rules of Civil Procedure, and move this Honorable Court to enter summary judgment in their favor, based on the facts and grounds set forth in the Brief in Support of the Motion for Summary Judgment, which is filed herewith and incorporated by reference hereinto.

Defendants submit, pursuant to the law, that there are no genuine issues as to any material facts, and that they are entitled to a judgment as a matter of law. Defendants further submit that Plaintiff has failed to present evidence in support of some elements of their case on which they bear the ultimate burden of proof.

In support of the Motion for Summary Judgment, the defendants submit the following:

1. The City of Montgomery's and Shelley Watts's Answer to Amended Complaint (Doc. No. 8)
2. Defendant's Memorandum of Law in Support of Defendants' Motion for Summary Judgment with Exhibit one.

To the extent allowable by the Court, Defendant reserves the right to supplement this motion.

Respectfully submitted,

/s/ Wallace D. Mills  
Wallace D. Mills (MIL 090),  
Attorney for the City of Montgomery

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 27<sup>th</sup> day of March, 2006, I electronically filed the foregoing with the Clerk of the court using the CM/ECF system which will send notification of such filing to the following parties or counsel:

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and I hereby certify that I have also mailed by United States Postal Service the document to the above-named non-CM/ECF participants:

/s/ Wallace D. Mills  
OF COUNSEL